

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

AARON PERRY WILLIAMS,

Defendant.

Case No. 2:21-cr-20032

HONORABLE STEPHEN J. MURPHY, III

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OPINION AND ORDER
DENYING MOTION FOR COMPASSIONATE RELEASE [32]

Defendant Aaron Perry Williams moved for compassionate release. ECF 32. The Government opposed Defendant's request. ECF 34. The Court will deny Defendant's motion because he failed to exhaust the administrative requirements to be eligible for compassionate release.

Under the First Step Act's compassionate release provision, the Court may modify Defendant's sentence only if: (1) he has exhausted all administrative remedies, or (2) thirty days have passed since the warden received Defendant's request for the Bureau of Prisons to bring a motion on his behalf. 18 U.S.C. § 3582(c)(1)(A). The exhaustion condition is "mandatory." *United States v. Alam*, 960 F.3d 831, 833–34 (6th Cir. 2020) (alteration in original) (quoting 18 U.S.C. § 3582(c)(1)(A)). Plus, it is Defendant's burden to establish that he has exhausted all his administrative remedies. *See United States v. Pena-Lora*, No. 15-20695, 2020 WL 3886384, at *1 (E.D. Mich. July 9, 2020) (citation omitted).

Here, Defendant has not only failed to offer evidence that he has exhausted his administrative remedies, *see generally* ECF 32, but the Government has explained that the Bureau of Prisons has no records that Defendant has exhausted his administrative remedies, ECF 34, PgID 178. Because Defendant has taken no concrete steps to meet the requirements of § 3582(c)(1)(A), Defendant has failed to show that he has exhausted his administrative remedies. The Court will therefore deny the motion for compassionate release without prejudice. Defendant may refile the motion after he has satisfied either condition of § 3582(c)(1)(A).

WHEREFORE, it is hereby **ORDERED** that the motion for compassionate release [32] is **DENIED WITHOUT PREJUDICE**.

SO ORDERED.

s/ Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 9, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 9, 2022, by electronic and/or ordinary mail.

s/ David P. Parker
Case Manager